

Senate Bill 321

By: Senators Hufstetler of the 52nd, Watson of the 1st, Unterman of the 45th, Butler of the 55th and Kirkpatrick of the 32nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to
2 physicians, assistants, and others, so as to revise provisions relating to the number of
3 physician assistants and advanced practice registered nurses a physician can authorize and
4 supervise at any one time; to remove a limitation on where a physician assistant is authorized
5 to practice; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians,
9 assistants, and others, is amended in Code Section 43-34-25, relating to delegation of certain
10 medical acts to advanced practice registered nurses, by revising subsections (g), (g.1), and
11 (g.2) as follows:

12 "(g) Except as otherwise provided in subsection (g.1) or (g.2) of this Code section, a
13 delegating physician may not enter into a nurse protocol agreement pursuant to this Code
14 section or enter into a job description with a physician assistant pursuant to Code Section
15 43-34-103 with more than ~~four~~ the combined equivalent of six full-time advanced practice
16 registered nurses or physician assistants at any one time, except this limitation shall not
17 apply to an advanced practice registered nurse who is practicing:

- 18 (1) In a hospital licensed under Title 31;
19 (2) In any college or university as defined in Code Section 20-8-1;
20 (3) In the Department of Public Health;
21 (4) In any county board of health;
22 (4.1) In any community service board;
23 (5) In any free health clinic;
24 (6) In a birthing center;
25 (7) In any entity:

- 26 (A) Which is exempt from federal taxes pursuant to Section 501(c)(3) of the Internal
27 Revenue Code, as defined in Code Section 48-1-2, and primarily serves uninsured or
28 indigent Medicaid and ~~medicare~~ Medicare patients; or
- 29 (B) Which has been established under the authority of or is receiving funds pursuant
30 to 42 U.S.C. Section 254b or 254c of the United States Public Health Service Act;
- 31 (8) In any local board of education which has a school nurse program;
- 32 (9) In a health maintenance organization that has an exclusive contract with a medical
33 group practice and arranges for the provision of substantially all physician services to
34 enrollees in health benefits of the health maintenance organization; or
- 35 (10) In any emergency medical services system operated by, or on behalf of, any county,
36 municipality, or hospital authority with a full-time physician medical director and who
37 does not order drugs, except that he or she may order up to a 14 day supply of drugs as
38 necessary in an emergency situation, excluding Schedule II controlled substances and
39 benzodiazepines; provided, however, that an advanced practice registered nurse shall not
40 order radiographic imaging, diagnostic studies, or medical devices pursuant to this
41 paragraph; and provided, further, that a patient shall be referred to a physician, a dentist,
42 or a federally qualified health center.
- 43 (g.1) A delegating physician may not enter into a nurse protocol agreement pursuant to this
44 Code section with more than eight advanced practice registered nurses at any one time,
45 may not supervise more than ~~four~~ six advanced practice registered nurses at any one time
46 pursuant to nurse protocol agreements, and shall not be required to conduct any meetings,
47 observations, or review of medical records except as otherwise provided in this subsection,
48 if the advanced practice registered nurses practice at a location that:
- 49 (1) Maintains evidence-based clinical practice guidelines;
- 50 (2) Is accredited by an accrediting body, approved by the board, such as the Joint
51 Commission or a nationally recognized accrediting organization with comparable
52 standards;
- 53 (3) Requires the delegating physician to document and maintain a record of review of
54 at least 10 percent of the advanced practice registered nurses' medical records to monitor
55 quality of care being provided to patients, which may be conducted electronically or
56 onsite;
- 57 (4) Requires the delegating physician and advanced practice registered nurse to
58 participate in and maintain documentation of quarterly clinical collaboration meetings,
59 either by telephone, in person, or onsite, for purposes of monitoring care being provided
60 to patients; and

61 (5) Requires the delegating physician's name, contact information, and record of the visit
 62 to be provided to the patient's primary care provider of choice with the patient's consent
 63 within 24 hours of the visit.

64 (g.2) A delegating physician may not enter into a nurse protocol agreement pursuant to this
 65 Code section with more than eight advanced practice registered nurses at any one time or
 66 supervise more than ~~four~~ six advanced practice registered nurses at any one time in any
 67 emergency medical services system operated by, or on behalf of, any county, municipality,
 68 or hospital authority with a full-time medical director."

69 **SECTION 2.**

70 Said chapter is further amended in Code Section 43-34-103, relating to delegation of
 71 authority to physician assistants, by revising subsections (b) and (d) as follows:

72 "~~(b)(1) No primary supervising physician shall have more than four physician assistants~~
 73 ~~licensed to him or her~~ enter into a job description with a physician assistant pursuant to
 74 this Code section or a nurse protocol agreement with an advanced practice registered
 75 nurse pursuant to Code Section 43-34-25, with more than the combined equivalent of six
 76 full-time physician assistants or advanced practice registered nurses at a time except as
 77 provided in paragraph ~~(4)~~(3) of this subsection, ~~provided, however, that no~~ No physician
 78 may supervise more than ~~two~~ the combined equivalent of six full-time physician
 79 assistants or advanced practice registered nurses, at any one time ~~except as provided in~~
 80 paragraph (2) of this subsection.

81 ~~(2)(A) A physician may supervise as many as four physician assistants at any one time~~
 82 ~~while practicing in a group practice in which other physician members of such group~~
 83 ~~practice are primary supervising physicians.~~

84 ~~(B) A physician may supervise as many as four physician assistants at any one time~~
 85 ~~while acting as an alternate supervising physician:~~

86 ~~(i) In an institutional setting such as a hospital or clinic;~~

87 ~~(ii) On call for a primary supervising physician or a group practice; or~~

88 ~~(iii) If otherwise approved by the board to act as an alternate supervising physician.~~

89 ~~(3)~~(2) A primary supervising physician shall designate in writing to the board such other
 90 physicians who may serve as an alternate supervising physician for each physician
 91 assistant licensed to such primary supervising physician. The board shall have authority
 92 to approve or deny such designations in whole or in part; provided, however, that a
 93 physician may be listed as an alternate supervising physician for any number of physician
 94 assistants so long as he or she only supervises as many physician assistants at any one
 95 time as allowed by paragraph ~~(2)~~(1) of this subsection.

96 ~~(4)~~(3) No primary supervising physician shall have more than eight physician assistants
97 who have completed a board approved anesthesiologist assistant program licensed to him
98 or her at a time."

99 "~~(d) A physician assistant is authorized to practice in those public or private places or~~
100 ~~facilities where the supervising physician or alternate supervising physician regularly sees~~
101 ~~patients, provided that nothing~~ Nothing in this article shall prohibit the rendering of
102 services to a patient by a physician assistant who is not in the physical presence of the
103 supervising physician or preclude a physician assistant from making house calls,
104 performing hospital duties, serving as an ambulance attendant, or performing any functions
105 authorized by the supervising physician which the physician assistant is qualified to
106 perform."

107

SECTION 3.

108 All laws and parts of laws in conflict with this Act are repealed.